

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

**CELLULAR COMMUNICATIONS
EQUIPMENT LLC,**

Plaintiff,

v.

HTC CORPORATION, ET AL.,

Defendants.

Civil Action No. 6:16-cv-475

JURY TRIAL DEMANDED

**CELLULAR COMMUNICATIONS
EQUIPMENT LLC,**

Plaintiff,

v.

ZTE CORPORATION, ET AL.,

Defendants.

Civil Action No. 6:16-cv-476

JURY TRIAL DEMANDED

**JOINT MOTION TO SEVER AND STAY
CLAIMS AGAINST THE CARRIER DEFENDANTS**

Plaintiff Cellular Communications Equipment LLC (“CCE”) and Defendants AT&T Mobility LLC, Cellco Partnership d/b/a Verizon Wireless, Sprint Solutions, Inc., Sprint Spectrum L.P., Boost Mobile, LLC, T-Mobile USA, Inc., and T-Mobile US, Inc. (collectively, the “Carrier Defendants”) move jointly to sever and stay CCE’s claims against the Carrier Defendants in Civil Action Nos. 6:16-cv-475 and 6:16-cv-476 (the “475/476 Consolidated Actions”) so that CCE can proceed on its claims against the Manufacturer Defendants, namely HTC Corporation and HTC America Inc. (together, “HTC”) and ZTE Corp., ZTE (USA), Inc., and ZTE Solutions, Inc. (together, “ZTE”).

CCE and the Carrier Defendants entered into a stipulation on February 15, 2017, whereby they agreed to jointly move to sever the Carrier Defendants from the 475/476 Consolidated Actions and stay the severed actions pending related trials against the Manufacturer Defendants (the “Stipulation”). The Stipulation includes the Carrier Defendants’ commitment that should CCE proceed to trial in a case against a Manufacturer Defendant from which one or more Carrier Defendants have been severed, the applicable Carrier Defendants shall be bound consistent with Judge Mitchell’s ruling in Civil Action No. 6:14-cv-251, which states that “the Carriers have agreed to be bound by the invalidity and infringement rulings in this case as to [the manufacturer].”

For the forgoing reasons, the parties to this joint motion submit that good cause exists for severing and staying CCE’s claims against the Carrier Defendants in the 475/476 Consolidated Actions. A Proposed Order is submitted with this Joint Motion for the Court’s consideration and entry.

Dated: May 2, 2017

Respectfully submitted,

<u>/s/ Edward R. Nelson III</u> Edward R. Nelson III ed@nelbum.com Texas State Bar No. 00797142 Ryan P. Griffin ryan@nelbum.com Texas State Bar No. 24053687 Thomas C. Cecil tom@nelbum.com Texas State Bar No. 24069489 Nelson Bumgardner PC 3131 West 7 th Street, Suite 300 Fort Worth, Texas 76107 Phone: (817) 377-9111 Fax: (817) 377-3485 Bradley W. Caldwell	<u>/s/ Nicole S. Cunningham</u> Callie A. Bjurstrom (CA SBN 137816) callie.bjurstrom@pillsburylaw.com Steven A. Moore (CA SBN 232114) steve.moore@pillsburylaw.com Nicole S. Cunningham (CA SBN 234390) nicole.cunningham@pillsburylaw.com Matthew R. Stephens (CA SBN 288223) matthew.stephens@pillsburylaw.com PILLSBURY WINTHROP SHAW PITTMAN LLP 501 West Broadway, Suite 1100 San Diego, CA 92101 Phone: 619.544.3119 Fax: 619-236-1995 ATTORNEYS FOR
--	--

<p> Texas Bar No. 24040630 Email: bcaldwell@caldwellcc.com Jason D. Cassady Texas Bar No. 24045625 Email: jcassady@caldwellcc.com John Austin Curry Texas Bar No. 24059636 Email: acurry@caldwellcc.com Caldwell Cassady & Curry 2101 Cedar Springs Road, Suite 1000 Dallas, TX 75201 Telephone: (214) 888-4848 Facsimile: (214) 888-4849 </p> <p> T. John Ward, Jr. Texas State Bar No. 00794818 J. Wesley Hill Texas State Bar No. 24032294 Claire Abernathy Henry Texas State Bar No. 24053063 Ward, Smith, & Hill PLLC P.O. Box 1231 1127 Judson Rd. Ste. 220 Longview, Texas 75606-1231 (903) 757-6400 (903) 757-2323 (fax) jw@jwfir.com wh@wsfir.com claire@wsfir.com </p> <p> ATTORNEYS FOR CELLULAR COMMUNICATIONS EQUIPMENT LLC </p>	<p>AT&T MOBILITY LLC</p>
<p> <u>/s/ Anup K. Misra</u> Michael E. Jones State Bar No. 10929400 mikejones@potterminton.com Patrick C. Clutter, IV State Bar No. 24036374 patrickclutter@potterminton.com Potter Minton, P.C. 110 N. College Ave., Suite 500 Tyler, Texas 75702 Tel: (903) 597-8311 Fax: (903) 593-0846 </p>	<p> <u>/s/ Mark W. McGrory</u> Mark W. McGrory Erise IP, P.A. 6201 College Blvd Suite 300 Overland Park, KS 66211 Telephone (913) 777-5600 Fax: (913) 777-5601 mark.mcgrory@eriseip.com </p> <p> Robert William Weber Smith Weber LLP </p>

<p>Thomas M. Dunham D.C. Bar No. 448407 tdunham@winston.com WINSTON & STRAWN LLP 1700 K Street, N.W. Washington, D.C. 20006-3817 Tel: (202) 282-5000 Fax: (202) 282-5100</p> <p>Anup K. Misra NY Bar No. 4734836 amisra@winston.com WINSTON & STRAWN LLP 200 Park Ave. New York, NY 10002 Tel: (212) 294-6697 Fax: (212) 294-4700</p> <p>ATTORNEYS FOR DEFENDANT CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS</p>	<p>5505 Plaza Drive P.O. Box 6167 Texarkana, TX 75505 Telephone: (903) 223-5656 Fax: (903) 223-5652 bweber@smithweber.com</p> <p>ATTORNEYS FOR SPRINT SOLUTIONS, INC. AND SPRINT SPECTRUM L.P.</p>
<p><u>/s/ Douglas J. Dixon</u> Melissa R. Smith State Bar No. 24001351 GILLAM & SMITH, LLP 303 S. Washington Ave. Marshall, TX 75670 Telephone: (903) 934-8450 Facsimile: (903) 934-9257 melissa@gillamsmithlaw.com</p> <p>Douglas J. Dixon HUESTON HENNIGAN LLP 620 Newport Center Dr., Suite 1300 Newport Beach, CA 92660 Telephone: (949) 226-6741 DDixon@hueston.com</p> <p>Alexander C.D. Giza HUESTON HENNIGAN LLP 523 West 6th Street, Suite 400 Los Angeles, CA 90014 Telephone: (213) 788-4340</p>	

agiza@houston.com	
-------------------	--

ATTORNEYS FOR T-MOBILE USA, INC. AND T-MOBILE US, INC.	
---	--

CERTIFICATE OF CONFERENCE

In accordance with Local Rule CV-7(h), the undersigned certifies that CCE and the Carrier Defendants are in agreement as to the relief sought and, therefore, jointly bring this motion. The undersigned also certifies that Defendants HTC and ZTE are unopposed.

/s/ Edward R. Nelson III

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing was served on all parties of record on May 2, 2017 via the Court's CM/ECF system.

/s/ Edward R. Nelson III